

REMARKS

Receipt of the Office Action of June 1, 2005 is gratefully acknowledged.

The Examiner comments that the "system" claims are being "interpreted" as apparatus claims for consistency with 35 U.S.C. 101. Applicant agrees as this is the accepted procedure approved by the Courts.

The examiner then states that "actions recited by the claims for the apparatus are interpreted as intended use and are treated as such in the 35 USC 102 rejection." What is meant by this statement is not clear. There is nothing in 35 USC 102 which would appear to support or explain such a statement. Clarification is respectfully requested.

The examiner also states that "...in order to promote compact prosecution the claims are also treated as if the recitations were limiting in the 103 rejections. Again, applicant has no idea what this statement means. Clarification is requested.

Claims 13-16 have been examined and these have been rejected as follows: (1) claims 13-16 as indefinite under 35 U.S.C. 112; (2) claims 13-16 as anticipated by Vasell et al. under 35 U.S.C. 102(e); and (3) claims 13-16 as unpatentable under 35 U.S.C. 103(a) over Vasell et al.

(1)

As to claims 13 and 14, "movement of a living facility" actually means working or working condition of the living facility which is kept under surveillance by the present system, and it does not mean moving of living things as suggested by the Examiner.

Claim 14, now recites "at least one of the operation and the movement of a living facility" in which the operation means setting operation by a resident such as manual operation and the movement means working or working condition of the facility as mentioned above, because the present system can be prepared to watch not only the operation by a resident for living facilities but also the movement, namely working or working condition of living facilities.

As for the term "watch" in the claims, it means surveille or monitor.

As for claim 15, "information data" does not appear to be redundant.

In their present state, claims 13 - 16 are believed to be definite and in full compliance with the requirements of 35 USC 112.

(2)

The claims have been amended after careful review of the art. No new matter has been introduced. In view of this consideration, the rejections under 35 USC 102 and 103 are respectfully traversed.

The present system recites a service communication server which is operated by transmission and management software which is provided from a supervisory server side and a supervisory server automatically imposes several charges and fees both on the constructed dwelling house and service provider while monitoring them. Such an amendment is supported in the description, see paragraphs [0037], [0090] to [0098] and original claim 6 in the U.S. published specification of the present application.

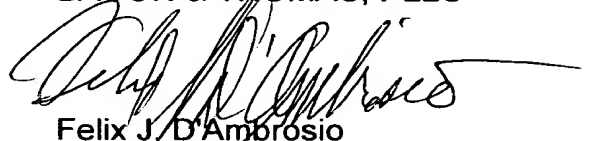
According to the present invention as recited in amended claim 13, since the managing company of the supervisory server can provide communication equipment as well as communication software for controlling home information communication terminal units, even a service provider as not have enough funds can easily start high-quality network service by using the equipment and the communication software, while safe and comfortable service under the supervisory service can be available for contracted dwelling house without troublesome maintenance. Therefore applicant believes such a system can contribute to provide a new business model environment in the aspect of network business.

The references of record are silent on this point.

Accordingly, claims 13 - 16 are believed to patentably distinguish over the art now of record.

Respectfully submitted,

BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to read 'Felix J. D'Ambrosio', with a long horizontal flourish extending to the right.

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